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U.S. Department of Homeland Security

Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE

CIS, AAO, 20 Mass, 3/F

425 I Street, N.W.

Washington, D.C. 20536

File:

OFFICE: Texas Service Center

DATE: JAN 05 2004

IN RE: Applicant:

Application: Application for Temporary Protected Status under Section 244 of the Immigration and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

Self-represented

**INSTRUCTIONS:**

This is the decision in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office. C.F.R. § 103.7.

*Cindy N. Gomez for*  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

The applicant is a native and citizen of Honduras who is seeking Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The director determined that the applicant failed to submit additional evidence, as had been requested, to establish eligibility for temporary protected status and for filing after the initial registration period. The director, therefore, denied the application due to abandonment pursuant to 8 C.F.R. § 244.9(c).

On appeal, the applicant claims that he has resided in the United States from 1998 to the present time. He states that at the time of the first application, he was economically in bad shape, his job was cancelled, and he did not have any money, therefore, he gave priority to other necessities thinking that he would solve this later. He further states that he did not apply because of his fear of being deported. The applicant submits a copy of his birth certificate and additional evidence of his residence in the United States.

The record reflects that the applicant filed the TPS application on May 20, 2002. In a notice of intent to deny the application dated June 25, 2002, the applicant was granted 30 days in which to submit a copy of his birth certificate and evidence to establish that he was eligible for filing after the initial registration period from January 5, 1999 to August 20, 1999. Because the applicant failed to comply, the director denied the application due to abandonment.

On appeal, the applicant furnishes a copy of his birth certificate and additional evidence of his residence in the United States. However, he does not furnish any evidence that he is eligible to file for TPS after the initial registration period January 5, 1999 to August 20, 1999.

8 C.F.R. § 103.2(b)(13) provides that if all requested initial evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant or petitioner may file a motion to reopen under 8 C.F.R. § 103.5.

The director denied the application due to abandonment, pursuant to 8 C.F.R. § 244.9(c). An appeal was subsequently filed by the applicant. However, there is no appeal of the director's decision in the present case. The appeal will, therefore, be rejected. If the applicant has additional evidence for the record, such documentation should be forwarded on a motion to reopen to the office having jurisdiction over the present application (the office that rendered the initial decision).



**ORDER:** The appeal is rejected.